

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review)	
)	
Custer County C-1 School District)	File No. SLD-408862
Westcliffe, Colorado)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 13, 2005

Released: April 13, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Custer County C-1 School District, Westcliffe, Colorado (Custer County).¹ Custer County seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) denying Custer County's Funding Year 2004 application for discounted services under the schools and libraries universal service support mechanism on the ground that Custer County violated the Commission's competitive bidding requirements.² For the reasons set forth below, we deny Custer County's Request for Review and affirm SLD's denial of Custer County's application.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library, or consortium that includes eligible schools or libraries must seek competitive bids for all services eligible for support.⁴ In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.⁵ The applicant must wait 28 days before entering into an agreement

¹Letter from Joy L. Butts, Custer County C-1 School District, to Federal Communications Commission, filed December 6, 2004 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

²Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joy L. Butts, Custer County C-1 School District, dated October 14, 2004 (Administrative Decision on Appeal).

³47 C.F.R. §§ 54.502, 54.503.

⁴47 C.F.R. §§ 54.504, 54.511(c).

⁵See Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 470).

with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant.⁶

3. Upon review of the record, we conclude that SLD correctly denied Custer County's request for support. The record shows that Custer County's FCC Form 471 application was signed on January 20, 2004, which was prior to the allowable contract date of February 2, 2004, on the establishing FCC Form 470.⁷ Custer County asserts, however, that unforeseen transitioning within its technology department took place around the same time that paperwork was due for Funding Year 2004. Custer County further states that its staff was confused about the 28-day waiting period and the filing timeframe for the Form 471.⁸ We do not find this to be a sufficient basis to grant the instant Request for Review.

4. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.⁹ The Wireline Competition Bureau (Bureau) has consistently denied requests for review by applicants that have violated the Commission's competitive bidding rules by signing the FCC Form 471 or service provider agreement before the allowable contract date.¹⁰ In light of the thousands of applications that SLD must review and process each year, we find that it is administratively necessary to require an applicant to follow program rules.¹¹ We therefore deny Custer County's Request for Review.

⁶47 C.F.R. § 54.504(c); *see also* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 471).

⁷*See* FCC Form 471, Custer County C-1 School District, filed January 20, 2004; FCC Form 470, Custer County C-1 School District, posted January 5, 2004. *See also* 47 C.F.R. § 54.504(b), (c) (providing that applicants must file with the Administrator, for posting on its website, the Form 470 requesting services and must wait 28 days after posting before entering into an agreement with a service provider for the requested services and submitting the FCC Form 471).

⁸Request for Review at 2-3.

⁹47 C.F.R. §§ 54.504(b)-(c), 54.511; Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, FCC Form 471, OMB 3060-0806 (October 2000). *See also Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-139210, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 13790, 13792 (Com Car. Bur. 2000).

¹⁰*See, e.g., Request for Review by Currituck County Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-111040, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 5564 (Com. Car. Bur. 2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-108651, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 8489 (Com. Car. Bur. 1999).

¹¹*See Request for Review by Anderson School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 25610, 25612-13, para. 8 (Com. Car. Bur. 2000) (*Anderson Order*).

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Custer County C-1 School District, Westcliffe, Colorado, on December 6, 2004, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau